



Montgomery County, Maryland

## COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850  
240/777 7900 • TTY 240/777-7914 • FAX 240/777-7989 • [www.co.mo.md.us/council](http://www.co.mo.md.us/council)

*The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office to obtain current information.*

*This meeting will be televised live on Channel 6; repeated on 4/11/03 at 8 pm and 4/12/03 at 9 am*

**Tuesday, April 8, 2003**

9:00 **INVOCATION** - Rabbi Michelle H. Fisher, Har Shalom Congregation

9:05 **PRESENTATION** - Proclamation for Retirement of Judge Paul H. Weinstein, Circuit Administrative Judge by Council President Subin

9:10 **PRESENTATION** - Award presentation for Sidewalks Are For Everyone (SAFE) Golden Shovel Program (Green)

9:15 **GENERAL BUSINESS**

A. **Announcement** - Agenda and Calendar Changes (Lauer)

B. **Action** - Approval of Minutes: March 18 and 25, 2003 (Edgar)

(1) C. **Acknowledgement** - Receipt of Petitions (McGuire)

(2) 9:20 **CONSENT CALENDAR**

A. **Introduction** - Resolution to change County Income Tax Rate (Faden)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

B. **Introduction** - Resolution to advertise proposed General Fund property tax rate for purposes of complying with state law regarding the Constant Yield Tax Rate (CYTR)(Sherer)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

C. **Introduction** - Resolution to establish FY04 Solid Waste Service Charges (Trombka)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

D. **Introduction** - Resolution to establish FY04 Water Quality Protection Charge (Levchenko)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

E. **Action** - Resolution to support Teleworking (Nurmi)

F. **Action** - Supplemental Appropriation to the County Government's FY03 Capital Budget and amendment to FY03-08 Capital Improvements Program, Department of Economic Development - \$1,149,000 for Silver Spring Innovation Center (Source: State Aid and Land Sale Proceeds) (Ferber)  
*PHED Committee recommendation will be available 4/3/03.*



(2) 9:20 **CONSENT CALENDAR** *(continued)*

- G. **Action** - Special Appropriation to the Montgomery County Public Schools' FY03 Capital Budget - \$5,000,000 for Relocatable Classrooms (Source: Current Revenue)  
*ED Committee recommends approval.* (Levchenko)
- H. **Action** - Abandonment of a Portion of Blair Mill Road in South Silver Spring (Orlin)  
*T&E Committee recommendation will be available 4/3/03.*
- I. **Action** - Resolution to establish the FY04 Work Program of the Interagency Public Information Working Group (Lacefield)  
*MFP Committee recommends approval.*
- J. **Action** - Resolution to establish the FY04 Work Program of the Interagency Training Team (Davidson)  
*MFP Committee recommends approval.*
- K. **Action** - Resolution to establish the FY04 Work Program of the Interagency Procurement Coordinating Committee (Healy)  
*MFP Committee recommends approval.*
- L. **Action** - T&E Committee report and recommendations on MD 28/ MD 97 Interchange Project Planning Study (Orlin)
- M. **Action** - Executive Regulation 1-03AM, Amendments to Montgomery County Personnel Regulations 2001, Inclement Weather/General Emergencies (Davidson)  
*MFP Committee recommends approval as amended.*
- N. **Action** - Resolution of Consent to and Support for Designation of a Long Branch/Takoma Park Enterprise Zone (Ferber)
- O. **Action** - Confirmation of County Executive appointments to Criminal Justice Coordinating Commission: Marlene Beckman; Penny J. Coleman (Ferber)
- P. **Action** - Confirmation of County Executive appointment to Long Branch Task Force: Sgt. Charles Welch (Ferber)
- Q. **Action** - Confirmation of County Executive appointment to Adult Public Guardianship Review Board: Jane Sahmel (Ferber)
- R. **Action** - Confirmation of County Executive appointment to Board of Social Services: George Leventhal (Ferber)
- (3) 9:30 **OVERVIEW** - FY04 Operating Budget (Farber)

10:15 **LEGISLATIVE SESSION Day #10**

- A. Approval of Legislative Journal (Edgar)
  - B. Introduction of Bills
  - C. Call of Bills for Final Reading
- (4)        • **Expedited Bill 3-03, Landlord-Tenant Relations - Attorney's Fees** (Faden)  
              *PHED Committee recommendation will be available 4/3/03.*
- (5)    10:30 **INTENSIVE BUDGET REVIEW** - PHED Committee Report and Recommendations  
              on OLO Intensive Budget Review Report #1 - MNCPPC's Waste Management Practices  
              in Montgomery County (Michaelson/Trombka/Brown)

11:10 **DISTRICT COUNCIL SESSION**

- (6)        A. **Introduction** - Resolution to change Office of Zoning and Administrative Hearings'  
              Local Map Amendment Fee Schedule (Wilson)  
              *Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- (7)        B. **Introduction** - Resolution to change Board of Appeals' Special Exception Filing  
              Fees (Wilson)  
              *Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- (8)        C. **Action** - Resolution to establish public hearing on the Rustic Roads Functional  
              Master Plan for June 3, 2003 at 1:30 pm (Orlin)
- (9)        D. **Action** - Corrective Map Amendment (G-807) for Fortune Parc and Lots 40 and 41,  
              Wheel of Fortune, Potomac (Michaelson)
- (10)      E. **Action** - Request for Oral Argument and/or Consideration of Hearing Examiner's  
              Report and Recommendation of Local Map Amendment: (Wilson)  
              **Application No: G-792**  
              **Applicant:** National Seniors' Housing Corporation (NSHC) (Jody S. Kline, Attorney)  
              **Request:** Reclassification from the RE-2C Zone to the PD-5 Zone of property known  
                          as "The Miller Property"  
              **Property:** "The Miller Property", Parcels 434, 588, 589, 600, and 603, located in the  
                          northwest quadrant of Damascus Road (MD Route 108) and Howard Chapel  
                          Road, Damascus, consisting of 26.61 acres in the 12<sup>th</sup> Election District  
              **Recommendations:**    Planning Staff:            Approve  
   Planning Board:           Approve  
   Hearing Examiner:        Deny

12:00 **RECESS**

- (11)    1:30 **PUBLIC HEARING** - Zoning Text Amendment 03-03, Health Club - C-T Zone (Wilson)  
              *PHED Committee worksession will be scheduled at a later date.*

- (12) 1:30 **PUBLIC HEARING** - Zoning Text Amendment 03-04, Telephone office or communication center - CBD-1 Zone (Wilson)  
*Action is tentatively scheduled for 4/22/03.*

**ADJOURN**

- 2:00 MFP Committee (7<sup>th</sup> Floor Council Hearing Room)  
2:00 T&E Committee (3<sup>rd</sup> Floor Council Conference Room)

- (13) 7:00 **PUBLIC HEARING** - FY04 Operating Budgets

**Thursday, April 10, 2003**

- 2:00 **ACTION** - Consideration of Spending Affordability Guidelines for FY04 Operating Budget (Sherer)  
*MFP Committee recommendation will be available 4/8/03.*

- 7:00 **PUBLIC HEARING** - FY04 Operating Budgets

**The following appointments were received from the County Executive and are tentatively scheduled for confirmation on April 22, 2003:**

Historic Preservation Commission: Nuray Anahtar, Lee J. Burstyn, Jef Fuller

District of Columbia Water and Sewer Authority: Paul Folkers

Animal Matters Hearing Board: Jeanne Garber



Montgomery County, Maryland

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### ADDENDUM

Tuesday, April 8, 2003

#### (2) 9:20 CONSENT CALENDAR

- Add:** S. **Introduction** - Supplemental Appropriation to County Government's FY03 Operating Budget, Department of Fire and Rescue Service - \$250,820 for Assistance to Firefighters Grant Program (Source: Federal Grant) (Davidson)  
*Public Hearing is scheduled for 4/22/03 at 10:30 am.*
- Add:** T. **Introduction** - Supplemental Appropriation to County Government's FY03 Operating Budget, Department of Police - \$125,000 for U.S. Department of Justice, COPS Training and Technical Assistance Award (Source: Department of Justice Federal Grant) (McMillan)  
*Public Hearing is scheduled for 4/22/03 at 10:30 am.*
- Add:** U. **Introduction** - Supplemental Appropriation to County Government's FY03 Operating Budget, Department of Police - \$4,000,000 for U.S. Department of Justice, COPS School Resource Officer Program (Source: Department of Justice Federal Grant) (McMillan)  
*Public Hearing is scheduled for 4/22/03 at 10:30 am.*
- Add:** V. **Introduction** - Supplemental Appropriation to County Government's FY03 Operating Budget, Department of Housing and Community Affairs - \$600,000 for Community Legacy Grant (Source: State Grant) (Trombka)  
*Public Hearing/Action is scheduled for 4/22/03 at 10:30 am.*
- Add:** W. **Introduction** - Resolution to change rates of Fuel/Energy Tax (Cogan)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- Add:** X. **Introduction** - Resolution to change rates of Telephone Tax (Cogan)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- Add:** Y. **Introduction** - Resolution to change rates of Development Impact Tax (Faden)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

**10:15 LEGISLATIVE SESSION Day #10**

**B. Introduction of Bills**

- Add: (3.1)**      • **Bill 9 -03**, Development Impact Tax - School Facilities (Faden)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- Add: (3.2)**      • **Expedited Bill 10-03**, Telecommunications Excise Tax - Amendments (Cogan)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*
- Add: (3.3)**      • **Bill 11-03**, Taxes - Excise - Video Rental and Sale (Faden)  
*Public Hearing is scheduled for 4/28/03 at 7:00 pm.*

**11:10 DISTRICT COUNCIL SESSION**

- Add: (10.1)**      **F. Introduction -** Resolution to change the rate of the Special Exception  
Administration Fee (Wilson)

**NOTICE - Council Meeting Agenda  
Thursday, April 10, 2003**

- 2:00 ACTION -** Consideration of Spending Affordability Guidelines for FY04 Operating Budget (Sherer)  
*MFP Committee recommendation will be available 4/8/03.*

- Add: 3:00 WORKSESSION - Amendments to FY03-08 Capital Improvements Program:**  
• DPWT: Facility Planning for M-83 and Woodglen Drive T&E (Orlin)

### COUNCIL MEETINGS

**Note: See the IN COMMITTEE for a listing of the Committee meetings currently scheduled.**

<b>Apr. 10, 2003</b>	2:00 p.m.	Regular Session - Action on SAG
<b>Apr. 22, 2003</b>	9:00 a.m.	Regular Session
<b>Apr. 29, 2003</b>	9:00 a.m.	Regular Session
<b>Apr. 29, 2003</b>	12:15 p.m.	Interviews - Charter Review Commission
<b>May 5, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 6, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 7, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 8, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 8, 2003</b>	3:00 p.m.	BiCounty Budget Meeting with PG's County Council - Rockville
<b>May 9, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 12, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 13, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 14, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 15, 2003</b>	9:00 a.m.	Council Budget Worksession
<b>May 22, 2003</b>	9:00 a.m.	Council Budget Worksession - Tentative Date for Final Vote

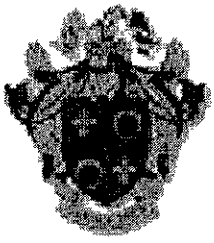
### Public Hearings - To Testify call 240-777-7931

<b>April 7, 2003</b>	7:00 pm	FY04 Operating Budgets
<b>April 8, 2003</b>	1:30 pm	Zoning Text Amendment 03-03, Health Club - C-T Zone
	1:30 pm	Zoning Text Amendment 03-04, Telephone office or communication center - CBD-1 Zone
	7:00 pm	FY04 Operating Budgets
<b>April 9, 2003</b>	1:30 pm	FY04 Operating Budgets
	7:00 pm	FY04 Operating Budgets - Montgomery County Public Schools
<b>April 10, 2003</b>	7:00 pm	FY04 Operating Budgets
<b>April 21, 2003</b>	7:00 pm	Zoning Text Amendment 03-06, Metro Station Policy Area - Trip mitigation goals
<b>April 22, 2003</b>	10:30 am	Supplemental Appropriation - Department of Technology Services - \$687,000 for Public Safety Radio System
	10:30 am	Additional requests to the FY04 Capital Budget and amendments to FY03-08 CIP
	11:00 am	Zoning Text Amendment 03-05, Laboratory use in C-O Zone
	11:00 am	Special Appropriation to MNCPPC's FY03 Capital Budget and amendment to the FY03-08 Capital Improvements Program - \$350,000 for PLAR: Local Parks
	11:00 am	Bill 6-03, Special Capital Improvements Project - PSTA Academic Building Complex
	11:00 am	Bill 7-03, Special Capital Improvements Project - Brookville Service Park
	11:00 am	Bill 8-03, Transportation Fund
<b>April 28, 2003</b>	7:00 pm	Constant Yield Tax Rate (CYTR)
	7:00 pm	Resolution to establish FY04 Solid Waste Service Charges
	7:00 pm	Resolution to establish FY04 Water Quality Protection Charge
	7:00 pm	Resolution to change County Income Tax Rate
	7:00 pm	Resolution to change Office of Zoning and Administrative Hearings' LMA Fee Schedule
	7:00 pm	Resolution to change Board of Appeals' Special Exception Filing Fees



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**Montgomery County Council**  
**Legislative Information Services**

***Packet Index***

***Tuesday, April 8, 2003***

Item Number	Note	Staff
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Agenda Item #13

There is no material for this item.